

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Ball Metal Beverage Container Corp.
Facility Name: Ball Metal Beverage Container Corp.
Facility Location: James River Commerce Center
8935 Pocahontas Trail
Williamsburg, Virginia 23185

Registration Number: 60065
Permit Number: TRO-60065

December 8, 2005

Effective Date

December 7, 2010

Expiration Date

(for)

Robert G. Burnley
Director, Department of Environmental Quality

December 8, 2005

Signature Date

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Attachment: Toxic Pollutant List

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1. Facility Information

Permittee

Ball Metal Beverage Container Corp.
James River commerce Center
8935 Pocahontas Trail
Williamsburg, Virginia 23185

Responsible Official

Robert Warwick
V.P. Manufacturing

Facility

Ball Metal Beverage Container Corp.
James River commerce Center
8935 Pocahontas Trail
Williamsburg, Virginia 23185

Contact Person

Tim Case
EHS Manager
(303) 460-5239

County-Plant Identification Number: 51-095-00008

Facility Description: NAICS 332431 – Metal Can Manufacturing

This facility manufactures aluminum beverage cans (not final product). The process includes can manufacturing and labeling.

2. Emission Units

Equipment to be operated consists of:

<i>Emission Unit ID</i>	<i>Stack ID</i>	<i>Emission Unit Description</i>	<i>Size/Rated Capacity</i>	<i>Pollution Control Device Description (PCD)</i>	<i>PCD ID</i>	<i>Pollutant Controlled</i>	<i>Applicable Permit Date</i>
Fuel Burning Equipment							
B1		Cleaver Brooks Boiler L54106, installed in 1972	12.553 million Btu/hr				
		Cleaver Brooks Boiler L54107, installed in 1972	12.553 million Btu/hr				
Internal Coating Spray and Internal Coating Oven							
01	S010, S011, S020, S021, S022, S023, S024, S027, S028, S029, S030	Line 2 Internal Coating Oven	2.70 million Btu/hr			VOCs HAPs PM	10/28/2005
01		Line 3 Internal Coating Oven	4.05 million Btu/hr			VOCs HAPs PM	10/28/2005
01		Line 4/5 Combined Internal Coating Oven	9.0 million Btu/hr			VOCs HAPs PM	10/28/2005
01/02		Internal Coating Respray Oven (note: Oven functions as dome spray curing oven also)	2.4 million Btu/hr			VOCs HAPs PM	10/28/2005
Decorator and Decorator Oven							
02	S06,	Line 2 Decorator and Oven	4.5 million Btu/hr			VOCs	10/28/2005

<i>Emission Unit ID</i>	<i>Stack ID</i>	<i>Emission Unit Description</i>	<i>Size/Rated Capacity</i>	<i>Pollution Control Device Description (PCD)</i>	<i>PCD ID</i>	<i>Pollutant Controlled</i>	<i>Applicable Permit Date</i>
	S017, S019, S029, S030, S035, S036, S037, S038					HAPs	
02		Line 3 Decorator and Oven	4.5 million Btu/hr			VOCs HAPs	10/28/2005
02		Line 4 Decorator and Oven	6.3 million Btu/hr			VOCs HAPs	10/28/2005
02		Line 5 Decorator and Oven	6.3 million Btu/hr			VOCs HAPs	10/28/2005
02		Off-Line Dome	1.21 gallons/hr			VOCs HAPs	10/28/2005
02		UV Bottom Coater and Associated UV Light Curing Tunnel	0.15 gallons coating/hr			VOCs	8/31/2005 (exemption)
02		Decorator and Oven Processes, combined	32.8 gallons coating/hr and 32.6 lbs/hr high solids ink			VOCs HAPs	10/28/2005
Basecoater and Basecoater Oven							
03	S016, S033, S034	Line 2 Basecoat Oven	4.5 million Btu/hr			VOCs HAPs	10/28/2005
03		Line 4 Basecoat Oven	6.4 million Btu/hr			VOCs HAPs	10/28/2005
General Plant and Parts Cleaning Operations							
04		Parts cleaning machines (small dip tanks), general wipe cleaning, and video jet.	4,050 gallons/yr			VOCs	10/28/2005

Washer Ovens							
W02		Line 2 Washer Oven	3.15 million Btu/hr			VOCs	10/28/2005
W03		Line 3 Washer Oven	3.15 million Btu/hr			VOCs	10/28/2005
W04/5		Line 4/5 Combined Washer Oven	4.5 million Btu/hr			VOCs	10/28/2005
Can Marking Identification System							
05		Can Marking System	0.08 gallons/million cans			VOCs	10/28/2005

*The Size/Rated Capacity is provided for informational purposes only, and is not an applicable requirement.

3. Fuel Burning Equipment Requirements – (Emission Unit Id. No. B1)

A. Limitations

3.A.1. The approved fuel for the boilers is natural gas with propane backup. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110)

3.A.2. No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits:

PM	(for the installation)	0.47 lb/million Btu input
	(for each boiler)	5.9 lbs/hr per unit

For fuel burning equipment installations with total capacity between 10 million and 10 billion Btu per hour, the maximum allowable emission ratio, E, in pounds of particulate per million Btu input, shall be determined by the following equation: $E = 1.0906H^{-0.2594}$, where H is the total capacity in millions of Btu per hour. The maximum allowable particulate emissions for each fuel burning equipment unit shall be the product of the rated capacity and the emission ratio.
(9 VAC 5-40-900 and 9 VAC 5-80-110)

3.A.3. No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any sulfur dioxide emissions in excess of the following limit:

SO ₂	(for the installation)	66.3 lbs/hr
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The maximum emissions shall be determined by the following equation: $S = 2.64K$, where S = allowable emissions of sulfur dioxide expressed in pounds per hour, and K = heat input at total capacity expressed in million Btu per hour.
(9 VAC 5-40-930 and 9 VAC 5-80-110)

3.A.4. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than twenty (20) percent opacity, except for one six-minute period in any one hour of not more than thirty (30) percent opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

3.A.5. The opacity standard (visible emission standard) shall apply at all times except during periods of startup, shutdown and malfunction.
(9 VAC 5-50-20 and 9 VAC 5-80-110)

- 3.A.6. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Virginia Department of Environmental Quality, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20 and 9 VAC 5-80-110)
- 3.A.7. No owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.
(9 VAC 5-50-90 and 9 VAC 5-80-110)

B. Recordkeeping

- 3.B.1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Director. These records shall include, but are not limited to:
- a. Records of the type of fuel combusted in the boilers; and,
 - b. DEQ-approved, pollutant-specific emission factors and equations used for actual emissions calculations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

C. Testing

- 3.C.1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

- 3.C.2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

4. Process Equipment Requirements – (Emission Unit Id. Nos. 01-03, 05, W02, W03, W04/5)

A. Limitations

- 4.A.1. **VOC Emission Controls** – Volatile Organic Compounds shall not be intentionally spilled, discarded to sewers, stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.

(9 VAC 5-80-110 and Condition 3 of the NSR/NSPS permit issued October 28, 2005)

- 4.A.2. **Plantwide Emission Limits** – Total emissions from the beverage can manufacturing facility shall not exceed the limits specified below:

Volatile Organic Compounds	174.9 lbs/hr	451.7 tons/yr
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(9 VAC 5-80-110 and Condition 4 of the NSR/NSPS permit issued October 28, 2005)

4.A.3. **Plantwide Emission Limits** – Hazardous Air Pollutants (HAPs) from the beverage can manufacturing facility shall be limited to less than 10 tons of any single HAP and less than 25 tons for the total of all HAPs. Emissions shall be calculated monthly, based upon the sum of each consecutive 12-month period. This permit condition shall be effective on November 1, 2006, and compliance with the consecutive 12-month emissions calculations shall commence on November 1, 2007. If the expected or actual emissions of any individual HAP exceed the hourly or annual exemption levels of the pollutants listed in the attachment to this permit, Ball Metal Beverage Container Corporation shall notify the Department of Environmental Quality, Tidewater Regional Office, within 5 working days of identification of the exceedance.
(9 VAC 5-80-100 and 9 VAC 5-80-110)

4.A.4. **Emission Limits** – Emissions from the operation of each exterior white base coating operation shall not exceed the limits specified below:

Volatile Organic Compounds solids	0.29 kilogram of VOC per liter of coating
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(9 VAC 5-80-110 and Condition 5 of the NSR/NSPS permit issued October 28, 2005)

4.A.5. **Emission Limits** – Emissions from the operation of each overvarnish or clear base coat (size coat) operation shall not exceed the limits specified below:

Volatile Organic Compounds solids	0.46 kilogram of VOC per liter of coating
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(9 VAC 5-80-110 and Condition 6 of the NSR/NSPS permit issued October 28, 2005)

4.A.6. **Emission Limits** – Emissions from the operation of each internal coating operation shall not exceed the limits specified below:

Volatile Organic Compounds solids	0.89 kilogram of VOC per liter of coating
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(9 VAC 5-80-110 and Condition 7 of the NSR/NSPS permit issued October 28, 2005)

4.A.7. **Requirements by Reference** – Except where this permit is more restrictive than the applicable requirement, the NSPS equipment shall be operated in compliance with the requirements of 40 CFR 60 Subpart WW.
(9 VAC 5-80-110 and Condition 8 of the NSR/NSPS permit issued October 28, 2005)

- 4.A.8. **Visible Emissions** – Visible Emissions from each stack shall not exceed twenty (20) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)
- 4.A.9. **Particulate Emissions** – No owner or other person shall cause or permit to be discharged into the atmosphere from any process unit any particulate emissions in excess of the limits in Table 4-4A, 9 VAC 5-40-260.
(9 VAC 5-40-260 and 9 VAC 5-80-110)
- 4.A.10. **Particulate Emissions** – The total process weight rate for each individual process unit at a plant or premises shall be used for determining the maximum allowable emission rate of particulate that passes through a stack or stacks.
(9 VAC 5-40-260 and 9 VAC 5-80-110)
- 4.A.11. **Particulate Emissions** – Unless otherwise specified, the allowable particulate mass emission rate shall be determined for individual units of equipment.
(9 VAC 5-40-260 and 9 VAC 5-80-110)
- 4.A.12. **Particulate Emissions** – The particulate emission limit above the maximum process weight rate shall be determined by linear interpolation. For interpolation between two values on a process weight rate table the following equation should be used:
- $$E = \left[E_G - E_L \right] \left[\frac{P - P_L}{P_G - P_L} \right] + E_L$$
- where:
- E = emission rate being calculated
 E_L = emission rate for P_L as determined from the process weight rate table
 E_G = emission rate for P_G as determined from the process weight rate table
 P = process weight rate of the unit
 P_L = process weight rate in the process weight rate table which is closest to but less than the process weight rate of the unit
 P_G = process weight rate listed in the process weight rate table which is closest to but greater than the process weight rate of the unit
(9 VAC 5-40-260 and 9 VAC 5-80-110)
- 4.A.13. **Particulate Emissions** – Where the nature of any process or design of any equipment is such as to permit more than one interpretation of a regulation, the interpretation that results in the minimum value for allowable emissions shall apply.
(9 VAC 5-40-260 and 9 VAC 5-80-110)

- 4.A.14. **Particulate Emissions** – Interpolation of the data in 9 VAC 5-40-260 A (Table 4-4A) for process weight rates up to 60,000 lb/hr shall be accomplished by use of the following equation:

$$E = 4.10P^{0.67}$$

where:

E = emission rate in lb/hr

P = process weight rate in tons/hr

(9 VAC 5-40-260 C and 9 VAC 5-80-110)

- 4.A.15. **Particulate Emissions** – Interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the following equation:

$$E = 55.0P^{0.11} - 40$$

where:

E = emission rate in lb/hr

P = process weight rate in tons/hr

(9 VAC 5-40-260 D and 9 VAC 5-80-110)

B. Continuing Compliance Determinations

- 4.B.1. **Performance Evaluations** – Monthly performance tests to determine the volume-weighted average of the total mass of VOC per volume of coating solids used shall be conducted in accordance with 40 CFR 60.493. Reports of performance test results shall be in conformance with 40 CFR 60.495, and shall be submitted to the Director, Tidewater Regional Office, within 30 days of the test date.

(9 VAC 5-80-110, 40 CFR 60.493(b), and Condition 9 of the NSR/NSPS permit issued October 28, 2005)

- 4.B.2. **Testing/Monitoring Ports** – The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the appropriate locations.

(9 VAC 5-80-110 and Condition 10 of the NSR/NSPS permit issued October 28, 2005)

C. Recordkeeping

- 4.C.1. **On-Site Records** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the tidewater Regional Office. These records shall include, but are not limited to:
- A daily operating log of coating and ink consumption. This log shall be maintained in a manner sufficient to calculate total daily and annual (365 day rolling average) emissions of Volatile Organic Compounds. Daily values shall be calculated by dividing the weekly values by the number of operating days for the week.
 - The emissions for the can marking identification system, calculated annually. These emissions shall be included in the annual Emissions Statement.
 - The emissions for each individual HAP and for the total HAPs emitted at the facility, both calculated annually as the sum of each consecutive 12-month period, to ensure compliance with Condition 4.A.3. of this permit.

The details and format of the operating log and calculations shall be arranged with the Director, Tidewater Regional Office. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years. (9 VAC 5-50-50, 9 VAC 5-170-160, 9 VAC 5-80-110, and Condition 11 of the NSR/NSPS permit issued October 28, 2005)

D. Testing

- 4.D.1. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

5. Parts Cleaning Requirements

A. Limitations

5.A.1. Vapor control is required for each cold cleaner to remove, destroy, or prevent the discharge into the atmosphere of at least 85% by weight of volatile organic compound emissions. Achievement of the 85% vapor control shall be done by the following:

- a. Covers or enclosed remote reservoirs;
- b. Drainage facilities to collect and return solvent to a closed container or a solvent cleaning machine;
- c. A permanent label, summarizing the operating procedures in 9 VAC 5-40-3290 C (2)(a-c) on/near the cold cleaning units;
- d. If used, the solvent spray should be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing.

(9 VAC 5-40-3280 C(1) and C(2), 9 VAC 5-40-3290 (C) and (D), and 9 VAC 5-80-110)

5.A.2. The following operating procedures for the cold cleaning units shall be followed:

- a. Waste solvent should not be disposed of or transferred to another party, such that greater than 20% of the waste (by weight) can evaporate to the atmosphere. Waste solvent shall be stored in containers only.
- b. The cold cleaning unit cover should be closed whenever not handling parts in the cold cleaner.
- c. Cleaned parts should drain for at least 15 seconds or until dripping ceases.

(9 VAC 5-40-3290 C(2)(a-c) and 9 VAC 5-80-110)

5.A.3. Disposal of waste solvent from the cold cleaning units shall be done by one of the following:

- a. Reclamation (either by outside services or in-house), or
- b. Incineration.

(9 VAC 5-40-3290 D and 9 VAC 5-80-110)

5.A.4. **Visible Emissions** – Visible Emissions from the parts cleaning operations shall not exceed twenty (20) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

B. Monitoring

5.B.1. Each degreasing unit will be inspected at least once per calendar year to ensure the label with the operating procedures is placed on or near each degreasing unit.
(9 VAC 5-40-3280 C(1) and C(2), 9 VAC 5-40-3290 (C) and (D), and 9 VAC 5-80-110)

5.B.2. Each degreasing unit will be inspected at least once per calendar year to ensure that each has a cover or enclosed remote reservoir, and waste solvent from each unit is being stored in closed containers.
(9 VAC 5-40-3280 C(1) and C(2), 9 VAC 5-40-3290 (C) and (D), and 9 VAC 5-80-110)

C. Recordkeeping

5.C.1. The permittee shall maintain records for:

- a. Annual inspection results and any corrective actions taken;
- b. Methods of waste solvent disposal used.

These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110)

D. Testing

5.D.1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

- 5.D.2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

6. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (5-80-720 B)	Rated Capacity (5-80-720 C)
OV Tank	Overvarnish Coating Tank	9 VAC 5-80-720 B	VOC	12,000 gallons
IC Tank	Internal Coating Tank	9 VAC 5-80-720 B	VOC	12,000 gallons
BC Tank	Basecoat Tank	9 VAC 5-80-720 B	VOC	12,000 gallons
GO	Grieve Oven for Drying Internal Coating Paste	9 VAC 5-80-720 B	VOC	N/A
WTS	Wastewater Treatment System	9 VAC 5-80-720 B	VOC	N/A
UO Tank	Used Oil Tank	9 VAC 5-80-720 B	VOC	10,000 gallons
BO1	Bulk Oil Tank #1	9 VAC 5-80-720 B	VOC	10,000 gallons
BO2	Bulk Oil Tank #2	9 VAC 5-80-720 B	VOC	10,000 gallons
P1	Propane Tank	9 VAC 5-80-720 B	VOC	30,000 gallons
P2	Propane Tank	9 VAC 5-80-720 B	VOC	30,000 gallons
TT	Trabon Lube Tank	9 VAC 5-80-720 B	VOC	2,000 gallons
MC1	Mist Collector for Lines 4 & 5	9 VAC 5-80-720 B	VOC and PM	15,750 ACFM
MC2	Mist Collector for Lines 2 & 3	9 VAC 5-80-720 B	VOC and PM	15,750 ACFM
Fork	Propane Powered Fork / Lift Trucks and Equipment	9 VAC 5-80-720 A	N/A	N/A
Heat	Natural Gas Comfort Space Heating Units	9 VAC 5-80-720 A	N/A	N/A
Water	Natural Gas Hot Water Heaters	9 VAC 5-80-720 B	SO ₂ , NO _x , CO, PM, VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

7. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	This requirement does not apply to Emission Unit B1 (Cleaver Brooks Boilers); these units were installed prior to June 9, 1989.
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	This requirement does not apply to any of the tanks listed as insignificant. The tanks are either smaller in size than 10,000 gallons or were installed prior to the applicability date of July 23, 1984.
40 CFR 63 Subpart KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans	This requirement does not apply to this beverage can coating facility. This facility emits HAPs in amounts below 10 tpy of a single HAP and 25 tpy of combined HAPs. A federally enforceable condition regarding this limit is included in this permit.
40 CFR 63 Subpart DDDDD	National Emission Standards for Industrial, Commercial, and Institutional Boilers and Process Heaters	The source has fulfilled the initial notification requirement. With the inclusion in this permit of a requirement to limit HAPs to synthetic minor status, no other compliance requirements will apply.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

8. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

8.B.1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

8.B.2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

8.B.3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

8.B.4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

8.B.5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

- 8.C.1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
- 8.C.2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
- 8.C.3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

8.D.1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

8.D.2. The identification of each term or condition of the permit that is the basis of the certification.

8.D.3. The compliance status.

8.D.4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

8.D.5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

8.D.6. Such other facts as the permit may require to determine the compliance status of the source.

8.D.7. One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition 8.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

8.L.1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

8.L.2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

- 8.N.1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- 8.N.2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
- 8.N.3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
- 8.N.4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- 8.N.5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- 8.Q.1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- 8.Q.2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- 8.Q.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- 8.Q.4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

- 8.R.1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- 8.R.2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

8.R.3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

8.T.1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

8.T.2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

8.T.3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

8.U.1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

8.U.2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

b. The permitted facility was at the time being properly operated.

- c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
- d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
- f. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

- 8.BB.1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
- 8.BB.2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- 8.BB.3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

9. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

9.A.1. 9 VAC 5, Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions

9.A.2. 9 VAC 5, Chapter 60, Part II, Article 5: Emission Standards for Toxic Pollutants from New and Modified Sources

(9 VAC 5-80-110 N and 9 VAC 5-80-300)